

REMARKS

The Office Action, mailed January 25, 2007, considered and rejected claims 1-5 and 36-45. Claims 1-5, 36, 37 and 41-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sankuratripati* (U.S. Publ. No. 2002/0029267) in view of *Sugiarto* (U.S. Patent No. 6,278,449), and further in view of *Fano* (U.S. Patent No. 2002/0133545). Claims 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sankuratripati* in view of *Sugiarto* and *Fano*, and in further view of *Gerdes* (U.S. Publ. No. 2003/0046541).¹

By this paper, claim 1 has been amended, claims 47-49 added, and no claims cancelled.² Accordingly, following this paper, claims 1-5, 36 and 38-49 are pending, of which claims 1 and 46 are the only independent claims at issue.

As discussed with the Examiner, the above recited claims are directed to embodiments in which a server selects a mobile device template that controls the presentation format in which information is presented to a user, so as to deliver contextually relevant information to the user. As recited in claim 1, for example, the server receives information identifying a current physical location of a mobile device of a mobile user. The server also receives identification of the mobile user from the device as well as a time indicator. At the server, aggregate user preference data corresponding to user preferences or usage data is retrieved based on the received identification of the mobile user. The server, from a plurality of available templates, selects at least one template that is communicated to the mobile user's mobile device based on a determination of which templates are relevant according to the aggregate user preference data and the identified current physical location of the mobile device. Specifically, when the mobile device is within a home geographic region, the selected template includes a home template. If, however, the mobile device is detected to be anywhere outside the home geographic region, the template is a traveling template that is configured to include content customized to whatever physical location is detected by the server. In this manner, the presentation format of the additional information is based on the aggregate user preference data and the current physical location of the mobile device.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments can be found throughout Applicant's originally filed application, including at least the disclosure in paragraphs 14, 40, 43 and 60-70, and in the originally filed claims and figures.

While the cited references generally relate to designating information to be received and displayed by a user, Applicant respectfully submits that the claims as recited above, define methods and computer program products which are substantially different from the cited references, whether considered alone or in combination. For example, *Sankuratripati* is directed to a system and method for selecting advertising based on user preferences and demographic data. (Abstract; ¶¶ 40-43, 47). To select the advertising, a user profile is created which includes the user's demographic information and the user's online behavior. (*Id.*). Using the information in this profile, a server can provide dynamic advertising which is selected and delivered based upon matching the user's profile. (Abstract; Col. 57, 58, 63 and 64).

In *Sugiarto* a user can create a user can create one or more configuration files which specify what information the user would like to retrieve and how the user prefers the retrieved information to be formatted. (Col. 4, ll. 11-35). By creating or selecting a different configuration profile, the user can thus change what information is presented and/or the presentation format of the information.

Accordingly, while *Sankuratripati* and *Sugiarto* each generally relate to information retrieval, they fail to disclose or suggest, among other things, a presentation format which is based on an aggregate user profile and the current physical location of the mobile device. Instead, advertising or configuration files are selected based on user preferences and demographic data, such that the references, whether alone or in combination fail to disclose a change to a template/presentation format based upon the current physical location of the device. Inasmuch as *Sankuratripati* and *Sugiarto* fail to disclose changing or selecting a template based on the current physical location of the device, they also clearly fail to disclose wherein if the physical location is determined to be within a home geographic region, a home template is displayed, whereas a traveling mobile template is displayed for any other current physical location.

The Office Action appears to acknowledge these deficiencies in *Sankuratripati* and *Sugiarto* (Office Action, pp. 3-4), and thus also relies upon the *Fano* reference. Applicant respectfully submits that while *Fano* generally relates to selecting templates based upon the location of the user, it also fails to disclose or suggest various aspects of the invention. For instance, among other things, *Fano* fails to disclose or suggest wherein a server selects between two templates, such that if the mobile device is within a home region, a home template is

selected, whereas if the mobile device is detected to be anywhere else, a traveling template is selected which can be configured to provide content customized to the determined location, particularly as recited in combination with the other claim elements.

In particular, *Fano* discloses a mobile valet system in which a telephone can be used as a remote control for obtaining various services. As part of the service, context-based user interface templates can be used on the mobile device depending on the location of the mobile device, so as to enable location specific tasks. (§ 42). The user interface templates are configured to provide a user with services specific to the particular location at which the user is located. (§§ 42-44). Thus, when a user enters a particular location, a user interface template tailored to that location can be presented. (*Id.*)

Accordingly, while *Fano* describes using multiple templates based on a location of a mobile device, it fails to disclose or suggest various aspects of the invention. In particular, *Fano* is devoid of any teaching relating to a home template when it is detected that the device is within its home region, let alone that a home template which is different from a traveling template is used. Indeed, according to one embodiment, a general template appears to be used for all specific locations. (§ 44). Furthermore, in embodiments in which a general template is not used, *Fano* expressly describes using multiple templates, wherein each user interface template is for a specific local service provider at a location of the device. (§ 43). In other words, for any given location, a different template is used. This is in direct contrast to the present invention in which, for any location outside the home geographic region, the same traveling template is used.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801) 533-9800.

Dated this 9th day of April, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger".

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